

05-10842-WGY

17

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION  
NO: 2005-2334E

Gertrude Gorod

PLAINTIFF

v.

Massachusetts General Hospital et al.  
DEFENDANT

ORDER

AFTER A MEDICAL MALPRACTICE TRIBUNAL HEARING IN SUFFOLK  
SUPERIOR COURT:

THE ABOVE ENTITLED ACTION IS HEREBY ORDERED RETURNED TO  
THE United States District Court : DOCKET #05-10842-WGY

(SEE P. 16 NO PAYMENT HAS BEEN MADE IN SUFFOLK SUPERIOR COURT)

BY THE COURT, (Botsford, J.)

  
ASST. CLERK

DATED: December 13, 2005

*Notice sent 12/13/05*

*G.G.*

*STW - C.R.D.*

*PC*

*1216*

*Not by*  
COMMONWEALTH OF MASSACHUSETTS

*IC. 26* 16

SUFFOLK, SS.

SUPERIOR COURT  
CIVIL ACTION  
NO. 05-2334-E

Notice sent  
10/26/2005

C. R. D.  
S. & W.  
G. G.

GERTRUDE GOROD,  
Plaintiff

vs.

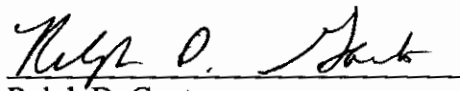
(sc)

MASSACHUSETTS GENERAL HOSPITAL et al.,  
Defendants

ORDER

A medical malpractice tribunal was conducted today in this case in accordance with G.L. c. 231, § 60B, at which the undersigned judge was the judicial member. The plaintiff, who is appearing *pro se*, neither appeared at the tribunal nor submitted an offer of proof. In view of this failure of proof, the tribunal found in favor of the defendants and the plaintiff therefore must file a bond with the Clerk of Court to avoid dismissal of her complaint. See G.L. c. 231, § 60B. Defense counsel orally moved at the hearing that the amount of the bond be more than the \$6,000 mandated by the statute, citing Denton v. Beth Israel Hospital, 392 Mass. 277 (1984). In view of the principles set forth in Denton, this Court finds, in its discretion, that the amount of the bond that should be filed in this action is \$12,000, twice the statutory amount.

This Court therefore **ORDERS** that this action shall be dismissed if the plaintiff fails, within thirty days of this Order, to post a bond in the amount of \$12,000.

  
\_\_\_\_\_  
Ralph D. Gants  
Justice of the Superior Court

DATE: October 24, 2005

MASXP-20050816  
carangel

**Commonwealth of Massachusetts**  
**SUFFOLK SUPERIOR COURT**  
**Case Summary**  
**Civil Docket**

12/13/2005  
02:10 PM

**SUCV2005-02334**  
**Gorod v Massachusetts General Hospital et al**

<b>File Date</b>	06/09/2005	<b>Status</b>	Disposed: transfered to other court (dtrans)	
<b>Status Date</b>	12/13/2005	<b>Session</b>	E - Civil E, 3 Pemberton Sq, Boston	
<b>Origin</b>	91	<b>Case Type</b>	Z01 - Med malpractice hrg only (231,60B)	
<b>Lead Case</b>		<b>Track</b>	X	
<b>Service</b>		<b>Answer</b>	<b>Rule</b> 12/19/20	
<b>Rule 15</b>		<b>Discovery</b>	<b>Rule 56</b>	
<b>Final PTC</b>		<b>Disposition</b>	01/05/2006	<b>Jury Trial</b> Yes

**PARTIES**

**Plaintiff**

Gertrude Gorod  
P O Box 856  
Everett, MA 02149  
Active 06/09/2005 Notify

**Defendant**

Massachusetts General Hospital  
Answered: 06/09/2005  
Answered 06/09/2005

**Private Counsel 555937**

Curtis R Diedrich  
Sloane & Walsh  
3 Center Plaza  
8th Floor  
Boston, MA 02108  
Phone: 617-523-2950  
Fax: 617-227-0927  
Active 06/09/2005 Notify

**Defendant**

Dr William Binder  
Answered: 06/09/2005  
Answered 06/09/2005

\*\*\* See Attorney Information Above \*\*\*

**Defendant**

James W McCarthy  
Answered: 06/09/2005  
Answered 06/09/2005

\*\*\* See Attorney Information Above \*\*\*

Commonwealth of Massachusetts  
SUFFOLK SUPERIOR COURT  
Case Summary  
Civil Docket

12/13/2005  
02:10 PM

**SUCV2005-02334**  
**Gorod v Massachusetts General Hospital et al**

**Defendant**

Erik Norenika  
Answered: 06/09/2005  
Answered 06/09/2005

\*\*\* See Attorney Information Above \*\*\*

**Defendant**

Susan Warchal  
Answered: 06/09/2005  
Answered 06/09/2005

\*\*\* See Attorney Information Above \*\*\*

**Defendant**

Diplomat  
Service pending 06/09/2005

**Defendant**

Caruso Music  
Service pending 06/09/2005

**Defendant**

Lawrence Caruso  
Service pending 06/09/2005

**ENTRIES**

Date	Paper	Text
06/09/2005		Medical malpractice hearing only (231,60B); docket #05-10842-WGY pending in U.S. District Court
06/09/2005		Origin 91, Type Z01, Track X.
06/09/2005	1.0	Copy of Complaint & Jury demand
06/09/2005	2.0	Copy of ANSWER & Jury demand: Defendant Massachusetts General Hospital (all issues)
06/09/2005	3.0	Copy of ANSWER & Jury demand: Defendant Dr William Binder (all issues)

Commonwealth of Massachusetts  
SUFFOLK SUPERIOR COURT  
Case Summary  
Civil Docket

12/13/2005  
02:10 PM

**SUCV2005-02334**  
**Gorod v Massachusetts General Hospital et al**

Date	Paper	Text
06/09/2005	4.0	Copy of ANSWER & Jury demand: Defendant James W McCarthy (all issues)
06/09/2005	5.0	Copy of ANSWER & Jury demand: Defendant Erik Norenika (all issues)
06/09/2005	6.0	Copy of ANSWER & Jury demand: Defendant Susan Warchal (all issues)
06/09/2005	7.0	Copy of Defendant Massachusetts General Hospital, Dr William Binder, James W McCarthy, Erik Norenika & Susan Warchal's MOTION to Transfer the claims against them to the Massachusetts Superior Court for the purpose of convening a Medical Malpractice Tribunal pursuant to M.G.L. Ch. 231, Sec. 60B - Motion Allowed. Case ordered administratively closed until the report of the medical malpractice tribunal is received. (William G. Young, Chief Judge)
06/09/2005	8.0	Copy of ORDER: Pursuant to the Order entered June 6, 2005, this case is hereby referred to the Massachusetts Superior Court for the purpose of convening a medical malpractice tribunal. (Young, C.J.)
06/09/2005	9.0	Attested copy of docket entries received from U.S. District Crt
06/09/2005	10.0	Civil action cover sheet re: Malpractice
10/31/2005	11.0	Medical malpractice tribunal report: as to Massachusetts General Hospital that there is not sufficient evidence to raise a legitimate question as to liability appropriate for judicial inquiry. (Ralph Gants, Justice) Copies mailed 10/26/2005 (entered 10/24/05)
10/31/2005	12.0	Medical malpractice tribunal report: as to Erik Norenika that there is not sufficient evidence to raise a legitimate question as to liability appropriate for judicial inquiry. (Ralph Gants, Justice) Copies mailed 10/26/2005 (entered 10/24/05)
10/31/2005	13.0	Medical malpractice tribunal report: as to Dr William Binder that there is not sufficient evidence to raise a legitimate question as to liability appropriate for judicial inquiry. (Ralph Gants, Justice) Copies mailed 10/26/2005 (entered 10/24/05)
10/31/2005	14.0	Medical malpractice tribunal report: as to James W McCarthy that there is not sufficient evidence to raise a legitimate question as to liability appropriate for judicial inquiry. (Ralph Gants, Justice) Copies mailed 10/26/2005 (entered 10/24/05)
10/31/2005	15.0	Medical malpractice tribunal report: as to Susan Warchal that there is not sufficient evidence to raise a legitimate question as to liability appropriate for judicial inquiry. (Ralph Gants, Justice) Copies mailed 10/26/2005 (entered 10/24/05)
10/31/2005	16.0	ORDER that this action shall be dismissed if the plff fails, within 30 days of this order, to post a bond in the amount of \$12,000.00 (Ralph Gants, Justice) (entered 10/24/05) notice sent 10/26/05
12/13/2005	17.0	ORDER: After a Medical Malpractice Tribunal hearing in Suffolk Superior Court: The above entitled action is hereby Ordered returned to the United States District Court: Docker #05-10842-WGY, (Botsford, J.) Notice sent 12/13/05
12/13/2005		TRANSFERRED TO USDC

**EVENTS**

MASXP-20050816  
carangel

Commonwealth of Massachusetts  
SUFFOLK SUPERIOR COURT  
Case Summary  
Civil Docket

12/13/2005  
02:10 PM

SUCV2005-02334  
Gorod v Massachusetts General Hospital et al

Date	Session	Event	Result
10/24/2005	Civil E, 3 Pemberton Sq, Boston	Malpractice tribunal held in Room 1017	Event held as scheduled

I HEREBY ATTEST AND CERTIFY ON  
12-13-05 THAT THE  
FORGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOHAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE JUDICIAL BRANCH

BY: 